



FEDERAL ELECTION COMMISSION
WASHINGTON, D C 20463

December 16, 2004

VIA FACSIMILE & U.S. MAIL

Charles N. Nauen
Lockridge Grindal Nauen P.L.L.P.
Suite 2200
100 Washington Avenue South
Minneapolis, MN 55401-2179

RE: MUR 5349
Vance K. Opperman

Dear Mr. Nauen:

This letter responds to your correspondence of December 15, 2004. This Office would like to express its thanks for the additional information you have provided in response to the Commission's reason to believe finding against your client Vance K. Opperman in this case.

A "reason to believe" finding by the Commission is a relatively low threshold that signifies that there is reason to investigate whether a violation occurred. Such a finding does not reflect a substantive determination by the Commission that a violation in fact occurred. The Commission's August 16, 2004 letter to Mr. Opperman finding reason to believe, yet taking no further action, reflected the Commission's view that there was evidence sufficient to sustain a decision to investigate. Because there appeared to be sufficient evidence at the time to investigate, rescission of the reason to believe finding would not be appropriate.

As a result of your inquiry, this Office is now fully aware of your position that Mr. Opperman intended to make a contribution to a nonfederal account of the Minnesota DFL House Caucus, rather than the federal account of the Minnesota DFL House Caucus into which his check was deposited as a federal contribution. Because the Commission chose to take no further action as to your client, this Office did not investigate the facts underlying this transaction. I note, however, that the record in this matter contains no information that is inconsistent with your position as to this contribution.

Please be advised that this letter, as well as the materials you submitted on December 15, 2004, will be placed on the public record as part of the closed enforcement matter. If you have any questions, or any additional materials you wish to be placed on the public record, you may contact me at (202) 694-1650 by close of business on Friday December 17, 2004.

Sincerely,

Mark D. Shonkwiler
Assistant General Counsel